

ORDINANCE NO. 20

BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ALAMOSA STATE OF COLORADO ADOPTING AN ORDINANCE RESTRICTING THE RESIDENCY OF A SEXUALLY VIOLENT PREDATOR AS DEFINED BY C.R.S. § 18-3-414.5 IN THE UNINCORPORATED TERRITORY OF ALAMOSA COUNTY

WHEREAS, section 30-15-401(1)(o.5), C.R.S., authorizes a board of county commissioners to adopt ordinances for the general health, safety, and welfare of its citizens; and

WHEREAS, sex offenders and predators endanger society, and the danger can be especially great for the community's youth; and

WHEREAS, restricting sex offenders from living near locations where youth congregate lessens the potential for the offender to come into contact with youth; and

WHEREAS, the Board of County Commissioners find that the adoption of the residency restrictions set forth herein further the County's interest in protecting the health, safety, and welfare of its youth population.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF ALAMOSA AS FOLLOWS:**

ORDINANCE NO. 20

Section 1. Title

This ordinance shall be known as and be referred to as the "Alamosa County SVP Code."

Section 2. Purpose and Intent

The Board of County Commissioners find that sexual predators and specified sex offenders who use physical violence or who prey on youth pose an extreme threat to public safety. Sexual predators and specified sex offenders endanger society. Removing specified sex offenders from the regular proximity of places where youth are located, and limiting the frequency of contact between sexual predators and specified sex offenders and youth will reduce the opportunity and risk for offenses to be committed; and

This Ordinance is intended to serve the County's compelling interests to promote, protect and improve the health, safety and welfare of the public by creating areas, around locations where youth regularly gather in concentrated numbers, where sexual predators and specified sexual offenders are prohibited from establishing either temporary or permanent residence within the unincorporated area of Alamosa County, Colorado.

Section 3. Definitions

As used in this ordinance, such words and phrases shall have the following meanings unless context requires otherwise:

- a. Park means any public park, including playgrounds.

- b. Permanent residence means a place where a person abides, lodges or resides for fourteen (14) or more consecutive days.
- c. Recreation center means any publicly owned recreation center or a private recreation center that serves youth.
- d. School means any public, private, parochial, charter or other school attended by students under the age of eighteen (18), except for home schools.
- e. Sexual predator means any person who has been found to be a sexually violent predator pursuant to section 18-3-414.5, C.R.S.
- f. Specified sex offender means any person who has been required to register under the Colorado Offender Registration Act, section 16-22-101, et seq, C.R.S., and:
 - 1. Who has been convicted of a felony for an offense requiring registration;
 - 2. Who has multiple convictions for offenses requiring registration; or
 - 3. Whose offenses requiring registration involved multiple victims.
- g. Swimming pool means a privately or publicly owned water-filled structure used for the purpose of swimming or other water activities, including splash parks; provided, swimming pool, as used in this Ordinance shall not include any waterfilled structures located at private, single-family residences.
- h. Temporary residence means a place where a person abides, lodges or resides for a period of five (5) or more days in an aggregate calendar year and which is not the person's permanent residence; or a place where a person routinely abides, lodges or resides for a period of five (5) or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

Section 4. Prohibition

- a. It shall be unlawful for a sexual predator or a specified sex offender to establish a permanent or temporary residence within one thousand (1,000) feet of any school, park, playground, recreational center, swimming pool, or licensed day care provider.
- b. It shall be unlawful to let or rent any portion of any property, room, place, structure, or trailer or other vehicle, to a sexual predator or specified sex offender with the knowledge that it will be used as a permanent or temporary residence in violation of this Article.

Section 5. Exception

A person is not guilty of a violation of this chapter if:

- a. The person established the permanent or temporary residence prior to the effective date of this chapter; provided, however, that this exception shall not apply if the individual committed the offense, for which registration under the Colorado Sex Offender Registration Act is required, after the effective date of this chapter.
- b. The person is under the age of eighteen (18) and resides with his or her parents, step-parents or guardians.
- c. The person is placed in the residence pursuant to a State of Colorado foster care program.
- d. The County recognized park, playground, school, recreational center, swimming pool, or licensed day care provider was opened after the person established the permanent or temporary residence, and is not replacing a school, park, playground, recreational center, swimming pool, or licensed day care provider at the same location.

Section 6. Measurement

For the purpose of determining the minimum distance separation required herein, the measurement shall be made by following a straight line from the outer property line of the property on which the park, playground, public or private school, licensed day care center, recreation center, or public swimming pool is located to the nearest point of the permanent or temporary residence structure.

Section 7. Penalty & Fees

- a. A person who violates any of the provisions of this Ordinance shall be punished by fine or imprisonment or both in accordance with the provisions of C.R.S. § 30-15-402, and each violation.
- b. Pursuant to C.R.S. § 30-15-402, the Board of County Commissioners hereby adopts the penalty assessment procedure provided in section C.R.S. § 16-2-201 for violations of this ordinance. Any arresting law enforcement officer is authorized to use the penalty assessment procedure provided in section C.R.S. § 16-2-201, for violations of this ordinance. If the penalty assessment procedure is used, the fine schedule shall be as follows:
 1. First Violation: \$500.00 fine.
 2. All Subsequent Violations: \$1,000.00 fine per violation.

(C) Any person convicted of a violation of this ordinance shall pay a surcharge of ten dollars (\$10.00) as provided in C.R.S. § 30-15-402(2). This surcharge shall be paid to the Clerk of the Court by the defendant. If any of the regulations set forth herein shall conflict with any other applicable law or regulation, the more stringent requirement shall control.

Section 8. Severability

If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of County Commissioners hereby declare that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 9. Amendments

The repeal or modification of any provision of this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 13. Effective date

This ordinance shall be effective thirty days after final publication after adoption at the second reading.

INTRODUCED, READ, AND APPROVED at a first reading on the 13th day of November, 2024, and ordered published in full.

READ, PASSED AND ADOPTED after a second reading and public hearing held on the 23rd day of April, 2025

BOARD OF COUNTY COMMISSIONERS, ALAMOSA COUNTY

By Vern Heersink
Vern Heersink, Chair

Attest:

Jamie Greeman
Jamie Greeman, Deputy Clerk of the Board

(SEAL)



First Publication: November 16 2024

Second Publication: March 29, 2025

APPROVED AS TO FORM:

A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to be the name of the Alamosa County Attorney.

Alamosa County Attorney